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EXAMINER	
IWARERE, OLUSEYE	
ART UNIT	PAPER NUMBER
3687	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/686,986	MAION ET AL.	
	Examiner	Art Unit	
	OLUSEYE IWARERE	3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04/04/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) *19-21* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18 and 20-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to the amendment received on April 04, 2008. Amendments to claims 1 – 3, 6 – 14, 17, 18, 22, 23 and 24 have been entered. Claims 19 – 21 have been cancelled. Newly presented claims 25 – 40 have been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. **Claims 1 – 4, 8, 9, 11 – 13, 16, 18, 22, 23, 25 – 28, 32, 33, 35 – 37, 38 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Hill (7,117,374).**

As per claims 1 and 25, Hill discloses, a method and a computer-readable medium having stored thereon computer-executable instructions, that when executed, cause a device to:

scanning a product tag with radiation ((abstract); handheld device is capable of scanning with radiation as it optically scans or receives RFID signals);

receiving product-related content from the scanned tag, the content including segments of text, at least one of the received segments of text including a meta tag having one or more associated values, each of the associated values corresponding to a different rule (col. 4, lines 53 – 56; allows as large a range of codes as possible to be

read within a limited size decoder routine, extensions of these symbologies and characters beyond the simple ASCII set can be omitted or substituted with spaces, as construed to be field separators) (col. 8, lines 55 – 58; the device is able to scan a wide range of tag formats/symbologies/protocols, as construed as potentially a meta tag, allowing retrieval of information from existing product packaging without substantial modification or expense by manufacturers);

parsing the received segments of text and identifying the meta tag (col. 4, lines 35 – 50; discusses a decoder for translating machine readable codes);

expanding at least one segment of the received segments of text based on a rule corresponding to a value associated with the identified meta tag (col. 4, lines 50 – 59; discusses expanding based on a rule); and

displaying the expanded at least one segment of text on a display device (col. 1, lines 65 - 67; discloses an elaborate wireless networked consumer scanning device which optionally includes a video or audio display for use within a defined area for providing on demand information, construed to be expanded text, relating to a scanned symbol construed as a meta tag to a user).

As per claims 2 and 26, Hill discloses, wherein the scanning comprises scanning a radio frequency identification tag with radiation originating at a mobile terminal (col. 4, lines 36 – 38; via in an optical embodiment, shown in FIG. 18, scanner 20 includes an emitter 100, optical sensor/receiver 110, and a lens 120 to focus the optical signals).

As per claims 3 and 27, Hill discloses, wherein the scanning comprises scanning the product tag with light (col. 4, lines 31; shown in block form in FIG. 1, this embodiment of the device comprises the elements of a scanner 20, an analog/digital digitizer 30, a processor 40, a memory 50, a battery 2, a switch 5, a Light Emitting Diode (LED) 10 (lines 36 – 38; In an optical embodiment, shown in FIG. 18, scanner 20, scans the tag with light via an emitter 100, optical sensor/receiver 110, and a lens 120 to focus the optical signals).

As per claims 4 and 28, Hill discloses, wherein the meta tag comprises at least one character (col. 9, lines 53 - 56; via it may also be capable of transmitting bar code identifiers and or the MDATA serial number along with data construed to include at least one character. It may also send and receive encrypted data).

As per claims 8 and 32, Hill discloses, wherein the expanding comprises converting the at least one segment of text to a hyperlink to a computer network site (col. 2, lines 44 - 47; via Bar codes may also be used to identify products and then link a user to related information about the products via databases and or the internet and thus is capable of converting bar code info into a hyperlink to a network site).

As per claims 9 and 33, Hill discloses, further including:

(e) receiving product information from the computer network site (col. 2, lines 57 - 60;

disclose, internet web sites or specific video content via digital cable/satellite systems, construed to be the "computer network site" which may contain/present further detailed information about the originally scanned objects or services).

As per claims 11 and 35, Hill discloses, further including determining whether wireless network access, is available for a terminal having the display device (col. 10, lines 4-6; FIG. 15, MDATA 1 may be integrated with or coupled to a cell phone or wireless enabled PDA 260).

As per claims 12 and 36, Hill discloses, wherein the expanding comprises expanding the at least one segment of text to a hyperlink to a local or remote network site, which allows access to respective information depending on whether the wireless local network access is available ((abstract); re-transmitted data may trigger access to an internet web site or other database which provides a user with detailed information relating to the scanned object. Bar codes may also be used to identify products and then link a user to related information about the products via databases and or the internet).

As per claims 13 and 37, Hill discloses, wherein the displaying comprises displaying the hyperlink to the local network site on the display device (col. 2, lines 1 – 5; via scanning device which optionally includes a video or audio display for use within a

defined area for providing on demand information relating to a scanned symbol to a user, which is construed to display the hyperlink).

As per claims 16 and 38, Hill discloses, wherein the product tag comprises a radio frequency identification tag (col. 1, lines 12 – 15; the data gathered may be in the form of radio frequency identification (RFID) data).

As per claims 18 and 40, Hill discloses, further including displaying on the display device product related content corresponding to one of the received segments of text in a manner determined by a rule associated with the position of the one segment of text within the received segments of text (col. 1, lines 65 - 67; via an elaborate wireless networked consumer scanning device which optionally includes a video or audio display for use within a defined area for providing on demand information relating to a scanned symbol to a user, which is construed to be capable of displaying product related content corresponding to a segment of text).

As per claim 22, Hill discloses, a mobile terminal comprising (col. 2, lines 5 – 51; via the invention comprises a handheld portable scanning device "mobile data acquisition and transferal apparatus):

a transceiver module configured to generate radiation for scanning a product and configured to receive product related content in the form of segments of text separated by field separators, wherein at least on segment of text includes a meta tag; and (col. 4,

lines 41 – 49; via lens 120, may be spherical, capturing light from a wide angle. Other embodiments include the scanning of sound, RF, infra red, RFID or other data forms/signals, which is construed to generate radiation for scanning. A digitizer 30 which may be an A/D converter, a wave shaper circuit or a software routine may be included to process signals from and to the scanner 20 into proper form for input or further processing by the processor 40 or backwards for output through the scanner 20, which is construed to receive product related content. A decoder optimized within the processor 40 with software or firmware, translates the selected machine readable codes or control inputs, which is construed to receive text including a meta tag); and

a parsing module configured to parse segments of text received from a scanned product tag and identify a meta tag having one or more associated values, each of the associated values corresponding to a different rule (col. 4, lines 48 – 50; via a decoder optimized within the processor 40 with software or firmware, translates , or "expands," the selected machine readable codes or control inputs),

expand at least one of the received segments of text based on the rule corresponding to a value associated with the identified meta tag (col. 4, lines 50 – 59; discusses expanding based on a rule), and

display the expanded at least one segment of text on a display device (col. 1, lines 65 - 67; discloses an elaborate wireless networked consumer scanning device which optionally includes a video or audio display for use within a defined area for providing on demand information, construed to be expanded text, relating to a scanned symbol construed as a meta tag to a user).

As per claim 23, Hill discloses, further including a meta tag database storing instructions corresponding to the rules corresponding to possible associated values of the meta tag (col. 6, lines 14 – 18; via the MDATA may use an RFID tag as a communication/transfer means, construed as the "meta tag database," a storage means and as the location for the MDATA's electronic serial number. Data loaded onto the RFID by the MDATA can be read by an interrogator, which is construed to provide meta tag expansion instructions, connected to a computer means).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claims 5 – 7, 10, 14, 15, 17, 19 – 21, 24, 29 – 31, 34 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al. (7,117,374) in view of Perkowski (2004/0153378).**

As per claims 5 and 29, Hill discloses all the elements of the claimed invention, but fails to explicitly disclose, wherein the meta tag consists of one character.

Perkowski teaches, wherein the meta tag consists of one character ([0208]; comprises a plurality of labeled information fields for each product "registered" therewith, namely: an IPN Information Field for storing information (e.g. numeric or alphanumeric string).

From this teaching of Perkowski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus and method for gathering and utilizing data of Hill to include the information field tag of Perkowski in order meet publishing industry standards.

As per claims 6 and 30, Hill discloses all the elements of the claimed invention, but fails to explicitly disclose, wherein the expanding comprises adding text to the at least one segment of text.

Perkowski teaches, wherein the expanding comprises adding text to the at least one segment of text ([0208]; twelve-digit UPC Version A number, eight-digit UPC Version E number, thirteen-digit UPC/EAN number, or twelve-digit UPC Version A number plus five-digit Add-On Code Segment number frequently used in the publishing

industry. This add on code is construed to be the adding of text to the segment of text assigned to the consumer product).

From this teaching of Perkowski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus and method for gathering and utilizing data of Hill to include the add-on code of Perkowski in order to meet the standard frequently used in the publishing industry.

As per claims 7 and 31, Hill discloses all the elements of the claimed invention, but fails to explicitly disclose, wherein the expanding comprises adding text formatting instructions to the at least one segment of text.

Perkowski teaches, adding text formatting instructions to the at least one segment of text ([0208]; the manufacturer and or its agent follow the instructions displayed on the HTML document).

From this teaching of Perkowski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus and method for gathering and utilizing data of Hill to include the instructions of Perkowski in order to link to the web document server.

As per claims 10 and 34, Hill discloses all the elements of the claimed invention, but fails to explicitly disclose, searching a domain name table for a network address that corresponds to the at least one segment of text.

Perkowski teaches, searching a domain name table for a network address that corresponds to the at least one segment of text ([0232]; via using a commercially available (INTERNIC-enabled) Domain Name search service that uses the names and addresses of the manufacturers (obtained during the first step above). ([0225]; via the Product Registration Request document would seek to ascertain from the manufacturers the various information items (including the menu of URLs) identified in the IPI Registrant Database construed to be the domain name table).

From this teaching of Perkowski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus and method for gathering and utilizing data of Hill to include the domain name search utilizing a table of Perkowski in order to find additional information about the product.

As per claim 14, Hill discloses all the elements of the claimed invention, but fails to explicitly disclose, wherein at least one of the received segments of text includes at least one formatting code.

Perkowski teaches, wherein at least one of the received segments of text includes at least one formatting code ([0208] a five-digit Add-On Code Segment number frequently used in the publishing industry is assigned to the consumer product) ([0537] ; manufacturers (i.e. vendors) can format their data transactions in any of the many new languages of electronic-business).

From this teaching of Perkowski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus and method

for gathering and utilizing data of Hill to include the formatting code of Perkowski in order to meet publishing industry standard formatting.

As per claim 15, Hill discloses all the elements of the claimed invention, but fails to explicitly disclose, wherein the at least one formatting code comprises an HTML tag.

Perkowski teaches, wherein the at least one formatting code comprises an HTML tag ((57); via an EC-enabled WWW site comprising a plurality of interlinked HTML-encoded documents arranged and rendered to provide an electronic store environment for a consumer when served to the Web-enabled client subsystem).

From this teaching of Perkowski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus and method for gathering and utilizing data of Hill to include the interlinked HTML-encoded documents of Perkowski in order to provide an electronic store environment for the product.

As per claims 17 and 39, Hill discloses all the elements of the claimed invention, but fails to explicitly disclose, wherein at least a second of the received segments of text includes a domain name code and the method further includes converting the domain name code into a uniform resource locator of at least one of a product information and a product name associated with the product tag.

Perkowski teaches, wherein at least a second of the received segments of text includes a domain name code and the method further includes converting the domain

name code into a uniform resource locator of at least one of a product information and a product name associated with the product tag ([0164]; via one or more mirrored UPC Request Central Web-sites from which consumer product information from all manufacturers is available for access to consumers from predetermined Internet domains) ([0175]; each such IPD Server 11 is assigned a static IP address and a common domain name on the Internet according to the Domain Name System (DNS) well known in the art).

From this teaching of Perkowski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus and method for gathering and utilizing data of Hill to include the UPC Request Central Web-sites of Perkowski in order to access product information from predetermined internet domains.

As per claim 24, Hill discloses all the elements of the claimed invention, but fails to explicitly disclose, wherein the parsing module expands the at least one segment of text to a hyperlink to a local or remote network site, which allows access to respective information depending on whether wireless local network access, supported by the transceiver module of the apparatus is available.

Perkowski teaches, wherein the parsing module expands the at least one segment of text to a hyperlink to a local or remote network site, which allows access to respective information depending on whether wireless local network access, supported by the transceiver module of the apparatus is available ([0017]; the parsing is performed whereby in response to reading a URL-encoded bar code symbol on or associated with

a product, the information resource specified by the URL is automatically accessed and displayed on the Internet-enabled computer system. While this system and method enables access of consumer product information related information resources on the WWW by reading URL-encoded bar code symbols, it requires that custom URL-encoded bar code symbols be created and applied).

From this teaching of Perkowski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus and method for gathering and utilizing data of Hill to include parsing of text of Perkowski in order to access web-based consumer product related information.

Response to Arguments

6. Applicant's arguments filed April, 4, 2008 have been fully considered but they are not persuasive.

Applicant argues that "Hill fails to disclose such features. In particular, Hill fails to describe expanding one part of text received from a scanned tag using a rule corresponding to a value associated with text also received from the same scanned tag. Instead, Hill describes using the scanned data to access an internet web site or to access some other product database. E.g., Hill Abstract"

However, it is noted in the prior art in col. 10, lines 25 – 35 that "Data scanned into the device can be encrypted so that it is only downloaded/retrievable by its user, and only used with the intended information retrieval service. Encryptions could be by a simple look-up and translation table stored in memory or firmware or by more complex

algorithms." This feature does not necessarily rely on the internet or an outside database, but rather one proceed in the memory, firmware or more complex algorithm which could be a rule corresponding to a value associated with text received from the scanned tag. Therefore, the Examiner respectfully disagrees.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEYE IWARERE whose telephone number is (571)270-5112. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/
Primary Examiner, Art Unit 3687

OI